

1
2
3
4
5
6
7 GERROD HERNDON,
8 Petitioner,
9 v.
10 SAN RAFAEL P. D., et al.,
11 Respondents.

Case No. [23-cv-04669-TLT](#)

12
13
14
15
16
17
18
19
**ORDER OF DISMISSAL;
DENYING CERTIFICATE OF
APPEALABILITY**

20 Petitioner, a former state prisoner currently at All Saints Extended Care, an assisted living
21 facility in San Rafael, California, filed a petition for writ of habeas corpus. ECF 1. That same
22 day, the Clerk of the Court informed petitioner that this action was deficient because he had not
23 submitted a non-prisoner *in forma pauperis* (IFP) application or paid the filing fee. ECF 2. The
Court informed petitioner that he needed to correct the deficiencies within twenty-eight days from
the date of the notice to avoid dismissal of this petition. *Id.* The deadline has passed, and
petitioner has not submitted the required documents or paid the \$5 filing fee. Petitioner submitted
a trust account statement but not the IFP form. ECF 3.

24 The Court therefore DISMISSES this petition without prejudice. Petitioner has failed to
25 make a substantial showing that a reasonable jurist would find this court's dismissal of the petition
26 debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Consequently, no certificate
27 of appealability is warranted in this case. The clerk shall enter judgment and close the file.

28
IT IS SO ORDERED.

Dated: December 13, 2023

28

TRINA L. THOMPSON
United States District Judge